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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: June 10, 2004 Name: John C. Freeman

Signature:

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Wolfgang Holzapfel et al.

Appln. No.: 10/821,518

Filed: April 9, 2004

For: Scanning Unit For Position Measuring  
Instrument For Optical Scanning Of A  
Measuring Graduation

Examiner: Unassigned

Art Unit: Unassigned

Attorney Docket No: 56/429

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached are:

- ☒ Information Disclosure Statement; Two (2) Cited References; and PTO 1449
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date: June 10, 2004

Respectfully submitted,

John C. Freeman (Reg. No. 34,483)



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					Total	\$		Total	\$

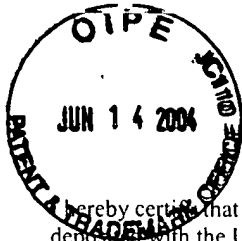
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June 10, 2004  
Date: June 10, 2004

Respectfully submitted,

John C. Freeman (Reg. No. 34,483)



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Alexandria, VA 22313-1450 on June 10, 2004.

Name of Registered Representative:

John C. Freeman

John C. Freeman, Reg. No. 34,483

June 16, 2004

Date of Signature

PATENT  
CASE NO. 56/429

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Wolfgang Holzapfel et al.	)	
	)	Art Unit: unassigned
Serial No.: 10/821,518	)	
	)	Examiner: unassigned
Filed: April 9, 2004	)	
	)	
For: SCANNING UNIT FOR POSITION	)	
MEASURING INSTRUMENT FOR	)	
OPTICAL SCANNING OF A	)	
MEASURING GRADUATION	)	

### INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in  
conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following references for  
consideration by the Examiner. A copy of the cited U.S. Patent is not being supplied pursuant to  
the waiver of the rules presented in the U.S. Patent and Trademark Office Official Gazette  
Notice dated August 5, 2003. The other cited references are being supplied along with a

completed copy of Form PTO-1449.

**I. DISCLOSURE**

**A. U.S. Patents**

<u>Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
6,603,115 B1	Gordon-Ingram	08/05/03

**B. Foreign Patents**

<u>Reference No.</u>	<u>Country</u>	<u>Pub. Date</u>
1 099 936 A1	EP	05/16/01
100 22 619 A1	Germany	12/06/01

**II. DISCUSSION**

**A. German Reference No. 100 22 619**

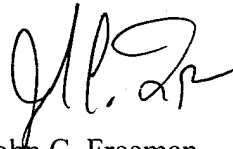
The pertinence of the '619 reference is discussed in paragraph 0031 of the subject application. Based solely on the drawings and the attached English-language Abstract, the '619 reference appears to disclose a scanning unit having a photodetector with adjacent radiation sensitive detector zones.

**III. CONCLUSION**

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicants wish to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to see. Applicants therefore request that the Examiner review the entire disclosure of each

reference and make the above-listed references of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J.C. Freeman', with a stylized flourish at the end.

John C. Freeman  
Registration No. 34,483  
Attorney for Applicants

BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200

Dated: June 10, 2004



FORM PTO-1449	SERIAL NO. 10/821,518	CASE NO. 56/429
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE April 9, 2004	GROUP ART UNIT Unassigned
APPLICANT(S): Wolfgang Holzapfel et al.		

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	6,603,115 B1	08/05/03	Gordon-Ingram		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
✓	A2	1 099 936 A1	05/16/01	EP		No
✓	A3	100 22 619 A1	12/06/01	Germany		Yes

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.
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EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.